IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2504 of 1990

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DIVANPURA VANKAR SAHAKARI MANDALI LTD.

Versus

STATE OF GUJARAT

Appearance:

MR KG SHETH for Petitioner

MS KATHA GAJJAR, AGP for Respondents No. 1-2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 30/01/2002

ORAL JUDGEMENT

#. The petitioner before this Court is a Cooperative Society of Weavers of Village Divanpura, Taluka - District Mehsana (hereinafter referred to as 'the Society') The Society challenges the order dated 19th

January, 1990 made by the State Government (Section Officer, Revenue Department).

#. It appears that the Government, under its order dated 20th May, 1982, decided to grant land to the Weavers at a concessional price for construction of a work-shed for handlooms. The Manager (Khadi) of District Industries Centre, Mehsana and District Registrar, Cooperative Societies (Industries), Mehsana, under his communication dated 20th December, 1982 recommended the District Collector, Mehsana to grant land to the members of the Society at a concessional price for construction of work-sheds. Pursuant to the said recommendation, under order dated 30th June, 1987, the District Collector, Mehsana granted land to the extent of 2034 Sq.Yards to the Society for construction of residential house and a work-shed for its members. Each of such members was entitled to a piece of land admeasuring 70 Sq.Meters. The said order of grant made by the District Collector, Mehsana was taken into suo motu revision by the State Government. Under impugned order dated 19th January, 1990, the said grant, being contrary to the Government policy, has been cancelled. Feeling aggrieved, the Society has preferred the present petition.

#. One of the contentions raised by the Society is that the Society had not been given notice of revision, nor has it been given opportunity of hearing. The allegation has not been answered by the respondents herein. Besides, the impugned order also does not indicate that a notice to show-cause was given to the Society or that the Society was given an opportunity of hearing. Thus, the impugned order has been made in violation of principle of natural justice, the same is quashed and set aside.

#. The petition is accordingly allowed. Rule is made absolute. There shall be no order as to cost.

30th January, 2002. (Ms. R.M.Doshit, J.)

/sakkaf